

AUSA: Reyhan Watson

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

NOE ALEXANDER MONROY-LEMUS,
a/k/a "Noel Alexander Monroy-Lemus,"
a/k/a "Noe Monroylemus,"
a/k/a "Noe Monroy,"

Defendant.

24 mj 3496

SEALED COMPLAINT

Violation of 8 U.S.C. § 1326(a)
and (b)(1)

COUNTY OF OFFENSE:
ROCKLAND

SOUTHERN DISTRICT OF NEW YORK, ss.:

EMMANUEL ALONZO, being duly sworn, deposes and says that he is a Deportation Officer with the U.S. Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), and charges as follows:

COUNT ONE
(Illegal Reentry)

1. From at least on or about May 21, 2024, in the Southern District of New York and elsewhere, NOE ALEXANDER MONROY-LEMUS, a/k/a "Noel Alexander Monroy-Lemus," a/k/a "Noe Monroylemus," a/k/a "Noe Monroy," the defendant, being an alien, unlawfully did enter, and was found in, the United States, after having been removed from the United States subsequent to a conviction for commission of a felony, without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary of Homeland Security, to reapply for admission.

(Title 8, United States Code, Section 1326(a) and (b)(1).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I have been a Deportation Officer with ICE since 2017, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of records and reports. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based upon my participation in the investigation of this matter, and based upon my review of records maintained by ICE and gathered from other law enforcement agencies regarding NOE ALEXANDER MONROY-LEMUS, a/k/a "Noel Alexander Monroy-Lemus," a/k/a "Noe

Monroylemus,” a/k/a “Noe Monroy,” the defendant, I have learned, among other things, the following:

a. MONROY-LEMUS is a native and citizen of Guatemala. He is not, and has never been, a citizen of the United States.

b. On or about June 21, 2007, MONROY-LEMUS was ordered removed by a United States immigration judge when he was a juvenile.

c. On or about October 14, 2012, MONROY-LEMUS was arrested in Mamakating, New York, in Sullivan County, and charged with burglary. In connection with these offenses, law enforcement obtained fingerprints from MONROY-LEMUS (the “2012 Fingerprints”). On or about May 31, 2013, MONROY-LEMUS pleaded guilty and was convicted of guilty of burglary in the third degree, illegal entry with intent to commit a crime, in violation of New York Penal Law § 140.20, a Class D Felony. On or about February 25, 2014, MONROY-LEMUS was sentenced to 6 months’ incarceration followed by 5 years’ probation.

d. On or about May 4, 2016, MONROY-LEMUS was arrested in Clarkstown, New York, in Rockland County, and charged with assault and endangering the welfare of a child. In connection with these offenses, law enforcement obtained fingerprints from MONROY-LEMUS (the “2016 Fingerprints”). On or about May 10, 2016, MONROY-LEMUS pleaded guilty and was convicted of acting in a manner likely to be injurious to the physical, mental or moral welfare of a child less than 17 years old, in violation of New York Penal Law § 260.10(1), a Class A Misdemeanor. He was also convicted of attempted assault in the third degree, with intent to cause physical injury, in violation of New York Penal Law § 120.00(1), a Class B Misdemeanor. MONROY-LEMUS was sentenced to 15 days’ imprisonment for these offenses.

e. On or about May 24, 2017, as a result of his 2012 and 2016 convictions, the United States Department of Homeland Security moved to reopen MONROY-LEMUS’s removal proceedings. On or about December 7, 2017, an immigration judge ordered MONROY-LEMUS’s removal from the United States.

f. On or about September 19, 2018, MONROY-LEMUS was removed to Guatemala. In connection with his removal, law enforcement took MONROY-LEMUS’s fingerprints (“2018 Fingerprints”).

g. On or about April 27, 2019, MONROY-LEMUS was encountered by U.S. Border Patrol illegally reentering the United States near Roma, Texas. On or about April 29, 2019, MONROY-LEMUS was convicted upon plea of guilty to one count of unlawfully entering the United States at a place other than as designated by immigration officers, in violation of 8 U.S.C. § 1325(a)(1). That same day, he was sentenced to 60 days’ imprisonment.

h. On or about July 19, 2019, MONROY-LEMUS was removed to Guatemala. In connection with his removal, law enforcement took MONROY-LEMUS’s fingerprints (“2019 Fingerprints”).

i. On or about February 3, 2023, MONROY-LEMUS was found in the Southern District of New York when he was arrested by officers of the Village of Spring Valley Police Department, in Spring Valley, New York, and charged with petit larceny. After this arrest, MONROY-LEMUS was arrested several more times in 2023 for theft-related crimes, resulting in convictions and his being placed on probation.

j. On June 27, 2024, MONROY-LEMUS was arrested in Spring Valley, New York, in Rockland County, and charged with assault. In connection with this arrest, MONROY-LEMUS's fingerprints were taken (the "2024 Fingerprints").

k. On July 3, 2024, MONROY-LEMUS was sentenced on the prior larceny convictions to 9 months' imprisonment, running concurrently. MONROY-LEMUS is currently serving his sentence.

4. Based on my review of a fingerprint comparison report prepared by DHS, I have learned, in substance and in part, that the (a) 2012 Fingerprints (felony burglary arrest); (b) 2016 Fingerprints (assault and endangering the welfare of a child arrest); (c) 2019 Fingerprints (July 19, 2019 deportation); and (d) 2024 Fingerprints (assault arrest), all came back to, and have been identified with, one and the same individual, NOE ALEXANDER MONROY-LEMUS, a/k/a "Noel Alexander Monroy-Lemus," a/k/a "Noe Monroylemus," a/k/a "Noe Monroy," the defendant. The analysis of the 2018 Fingerprints is currently inconclusive and pending further review; however, I have compared the photograph of the person who was deported on September 19, 2018, with a photograph of an individual known to be MONROY-LEMUS, and I believe they are, in fact, the same person.

5. Based on information received from the United States Department of Homeland Security ("DHS"), a search of all relevant DHS indices has confirmed that, following his July 19, 2019, removal, NOE ALEXANDER MONROY-LEMUS, a/k/a "Noel Alexander Monroy-Lemus," a/k/a "Noe Monroylemus," a/k/a "Noe Monroy," the defendant, never obtained the express consent of the Attorney General of the United States, or the Secretary of Homeland Security, to reapply for admission to the United States.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of NOE ALEXANDER MONROY-LEMUS, a/k/a "Noel Alexander Monroy-Lemus," a/k/a "Noe Monroylemus," a/k/a "Noe Monroy," the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



EMMANUEL ALONZO

Deportation Officer

U.S. Department of Homeland Security,

U.S. Immigration and Customs Enforcement

Sworn to before me this

2 day of October, 2024



THE HONORABLE JUDITH C. McCARTHY

United States Magistrate Judge

Southern District of New York